

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

STEPHEN C. LETARES,	)	
	)	8:02CV607
Plaintiff,	)	
	)	
vs.	)	ORDER
	)	
JOHN ASHCROFT, Attorney General, and	)	
MICHAEL GARCIA, Commissioner,	)	
IMMIGRATION AND NATURALIZATION	)	
SERVICE,	)	
	)	
Defendants.	)	

This matter is before the court pursuant to plaintiff's motion for relief of judgment under Fed. R. Civ. P. 60(b). Filing No. 57. An index in support has been filed by the plaintiff, Filing No. 58, and a brief in opposition has been filed by the defendants. Filing No. 60. Pursuant to the Memorandum and Order entered in this case granting summary judgment in this employment discrimination case, Filing No. 55, judgment was entered in favor of the defendants and against the plaintiff on February 13, 2004. No appeal has been filed, and the case has been closed for over a year. Plaintiff now comes before the court alleging that he has now remembered that he experienced an adverse employment action when he transferred positions to Vermont. He alleges he did not remember prior to now that this was a demotion. He now asks the court to reopen the case and allow it to proceed.

I have carefully reviewed the motion, index and briefs in this regard. I conclude that plaintiff's motion should be denied. I find no argument exists that would support reopening

this case. See Fed. R. Civ. P. 60(b). I find no merit to the claim and shall deny plaintiff's motion.

THEREFORE, IT IS ORDERED that the plaintiff's motion to set aside judgment, Filing No. 57, is denied.

DATED this 4th day of May, 2005.

BY THE COURT:

s/Joseph F. Bataillon

JOSEPH F. BATAILLON

UNITED STATES DISTRICT JUDGE